HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2699 of 2007

15th February 2007

Between:

1. Ellamanchili Chinnaiah, S/o.Late Kannayya, Hindu, 54 years, R/o.Adivivaram Village, Visakhapatnam District.

And two others.

...PETITIONERS

And

1. The District Registrar, Registration and Stamps Department, Visakhapatnam.

And one other.

...RESPONDENTS

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2706 of 2007

ORDER:

Petitioners state they are the absolute owners of land admeasuring Ac.1.16 cents or 0.471 hectares in Survey Nos.169/3 and 194/3P of Adavivaram Village, Chinagadhili Mandal, Visakhapatnam District. It is stated that they intended to sell the said land and entered into an agreement of sale with the intending purchaser, and approached the second respondent for registration of the same. The grievance of the petitioners is that though the second respondent initially received the document, subsequently, informed that it cannot be registered, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act') in respect of the land in the said Survey Number, and kept the document pending. This writ petition is filed seeking appropriate directions to the second respondent, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

15th February 2007

Note: CC by one week
B/O
RRB

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77